

Notice of Allowability

Application No.

09/981,875

Applicant(s)

KLIEWE, JOHN

Examiner

Hoang-Vu A Nguyen-Ba

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 11/4/04.
2. ☒ The allowed claim(s) is/are 1-14.
3. ☒ The drawings filed on 04 November 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other Approved corrected drawings.



**ANTONY NGUYEN-BA
PRIMARY EXAMINER**

Examiner's Amendment and Statement of Reasons for Allowance

1. This action is responsive to amendment filed November 04, 2004.

Response to Amendments

2. The proposed changes to the drawings filed November 4, 2004 are accepted by the examiner.
3. The objection to claims 3, 7 and 13 is hereby withdrawn in view of Applicants' clarification of the identified unclear terms in these claims.
4. The objection to claim 9 is hereby withdrawn in view of Applicants' amendment to correct a typographical error in this claim.
5. The rejection of claim 9 under 35 U.S.C. § 112, second paragraph is withdrawn in view of Applicant's amendment to correct the lack of proper antecedent basis to the identified limitation.
6. The rejection of claims 3, 7 and 13 under 35 U.S.C. § 112, second paragraph is withdrawn in view of Applicant's amendments to these claims to clarify that the items in the Markush list are all parameters.
7. The rejection of claims 9-14 under 35 U.S.C. § 101 as being directed to nonstatutory subject matter is withdrawn in view of Applicants' amendments to these claims.

Response to Arguments

8. Applicant's arguments, filed November 4, 2004, with respect to claims 1-14 have been fully considered and are persuasive. The rejection of these claims has been withdrawn.

Examiner's Amendment

9. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert Franz, registration No. 42,553 on February 28, 2005.

The application has been amended as follows:

Claim 1:

at line 4, insert – preprocessing control – before the phrase “parameters indicating options”;

at line 10, insert – preprocessing – before the phrase “control parameters”.

Claim 2

at line 2, insert the superscript -- TM -- after the term “REXX”.

Claim 3:

at line 2, replace the term “preparation” before the term “control parameters” with the term – preprocessing --.

Claim 4:

at lines 1-2, delete the phrase “native file tailoring functions” after “said step of invoking.”

Claim 5

at line 3, after “said software”, delete “causing said computer to perform” and insert -- performing --;

at line 5, delete “said” before “file tailoring on source data”;

at line 5, insert – preprocessing control – before “parameters indicating options”;

at line 11, insert – preprocessing – before “control parameters”.

Claim 6:

at line 3, insert the superscript -- TM -- after the term “REXX”.

Claim 7:

at line 2, after “a set of data”, replace “preparation” with – preprocessing --;

at line 3, delete the redundant “a” after “from the group of”.

Claim 8:

at line 2, after the phrase “for invoking”(first occurrence), delete “native file tailoring functions”.

Claim 9:

at line 12, after “prior to invoking”, delete “a”;

at line 2, after “native file tailoring”, delete “functions”.

Claim 10:

at line 2, insert the superscript -- TM -- after the term “REXX”.

Claim 12

at line 2, replace “adapted to” with – configured to --.

Claim 13

at line 2, replace “adapted to” with – configured to --.

Claim 14

at line 2, replace “adapted to” with – configured to --.

Examiner's Statement of Reason(s) for Allowance

10. Claims 1-14 are allowed.

11. The following is an examiner's statement of reason(s) for allowance:

The prior art discussed in Applicant's background of the invention fails to teach or suggest receiving a set of data preprocessing control parameters prior to performing file tailoring on source data and building empty tables according to the preprocessing control parameters as claimed in claims 1, 5 and 9.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

12. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Hoang-Vu A Nguyen-Ba whose telephone number is (571) 272-3701. The examiner can normally be reached on Tuesday-Friday, 7:15 – 17:45.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Tuan Dam can be reached at (571) 272-3695.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, reading "Anthony Nguyen-Ba". The signature is written in a cursive, flowing style with a long horizontal line extending from the end.

**ANTONY NGUYEN-BA
PRIMARY EXAMINER**

Art Unit 2122

February 28, 2005